

REGULAR MEETING
AGENDA

Wednesday, September 29, 2004 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

APPROVAL OF MINUTES

1. **Minutes of decisions from July 21, 2004** (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Al Tibbetts, Gary Greene, and Everett Drugge):
 - a. Mark Mohn d/b/a/ Carpet Resources on behalf of Celeste Garr, 1324 Boston Post Road.
 - b. Michael & Kerrie Kelley, 51 Relihan Road.
 - c. Gleason, Hill & Ambrette, LLC on behalf of Nearwater Investors, LLC (owner) and Crystal Gardens, Inc. (lessee), 934 Boston Post Road.
 - d. Gleason, Hill & Ambrette, LLC on behalf of Guernsey Realty Company, Inc. (owner) and Heating Oil Partners, LP (lessee), 1120 Boston Post Road.
 - e. Anthony & Amy Barsanti, 19 Sunset Road.
 - f. John & Laurie Orem, 43 Noroton Avenue, R-1/3 Zone.

2. **Minutes of decision from August 16, 2004** (seated ZBA members for this decision were Ramsay Bell, Dick Sanford, Vic Capellupo, Al Tibbetts, and Everett Drugge):
 - a. Robert F. Maslan, Jr., Esq. on behalf of Mitchell Ross & Kerry Ross, 10 Nickerson Lane.

PUBLIC HEARINGS

CALENDAR NO. 68-2004

The application of Victoria E. Morrison filed on August 25, 2004 for variations of Section 406 of the Darien Zoning Regulations to allow the construction of a

second story addition, a front landing with steps, and the installation of HVAC units. Section 406: 6.1 in lieu of 10.0 feet minimum required side yard setback, 24.7 in lieu of 25.0 feet minimum required total of two side yards setback, and 32.9 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street for the addition; 24.4 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street for the landing with steps; and 2.7 in lieu of 10.0 feet minimum required side yard setback for the HVAC units. The property is situated on the south side of Wakemore Street approximately 750 feet east of the intersection of Hoyt Street and Wakemore Street and is shown on Tax Assessor's Map #8 as Lot #238, being 31 Wakemore Street and located in an R-1/3 (residential) Zone.

CALENDAR NO. 69-2004

The application of Veronica/Richard Bolduc filed on August 25, 2004 for variations of Section 406 of the Darien Zoning Regulations to allow the construction of two and one-half story and second story additions with a chimney and the maintenance of a previously constructed deck and shed. Section 406: 22.0 in lieu of 25.0 feet minimum required front yard setback, 44.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Hecker Avenue, 4.4 in lieu of 8.0 feet minimum required side yard setback, and 19.5 in lieu of 20.0 feet minimum required total of two side yards setback for the additions with chimney; 4.3 in lieu of 8.0 feet minimum required side yard setback for the deck; and 1.5 in lieu of 5.0 feet minimum required side yard setback, and 2.5 in lieu of 5.0 feet minimum required rear yard setback for the shed. The property is situated on the south side of Hecker Avenue approximately 100 feet east of the intersection of Ash Street and Hecker Avenue and is shown on Tax Assessor's Map #41 as Lot #23, being 66 Hecker Avenue and located in an R-1/5 (residential) Zone.

CALENDAR NO. 70-2004

The application of Rudy & Jane Mossa filed on August 25, 2004 for variations of Section 406 of the Darien Zoning Regulations to allow the construction of second story dormer, second story and two story additions. Section 406: 3.6 in lieu of 25.0 feet minimum required rear yard setback for the dormer; 14.5 in lieu of 25.0

feet minimum required rear yard setback for the second story addition; and 21.7 in lieu of 25.0 minimum required rear yard setback for the two story addition. The property is situated on the east side of Jackson Place at the northeast corner formed by the intersection of Ridgeview Avenue and Jackson Place and is shown on Tax Assessor's Map #8 as Lot #79, being 12 Jackson Place and located in an R-1/3 (residential) Zone.

CALENDAR NO. 71-2004

The application of Victor B. and Whitney S. Miller filed on August 25, 2004 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of a two story addition. Section 406: 22.6 in lieu of 25.0 feet minimum required side yard setback. The property is situated on the east side of Libby Lane approximately 300 feet north of the intersection of Libby Lane and Middlesex Road and is shown on Tax Assessor's Map #9 as Lot #63, being 9 Libby Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 72-2004

The application of Marc J. Kurzman, Esq. on behalf of Darien Joint Venture, LLC and Trader Joe's East, Inc. filed on August 25, 2004 for an amendment to Stipulation #1 of the Resolution of ZBA Calendar No. 94-2001, to allow the preparation/cooking of products for customer free samples. The property is situated on the east side of the Boston Post Road at the corner formed by the intersection of Boston Post Road and Old King's Highway North and is shown on Tax Assessor's Map #35 as Lot #1, being 440-444 Boston Post Road and located in a Designed Business - Two (DB-2) commercial Zone.

CALENDAR NO. 74-2004

The application of John M. Luders filed on August 25, 2004 for variations of Sections 383, 384, and 406 of the Darien Zoning Regulations to allow the construction of a pitched roof. Section 383: the enlargement of a structure with a non-conforming use; Section 384: the construction of additional building volume on a lot with 21.6 in lieu of 20.0% maximum allowable building coverage; and

Section 406: 11.9 in lieu of 25.0 feet minimum required West Avenue front yard setback; and 13.1 in lieu of 25.0 feet minimum required Noroton Avenue front yard setback. The property is situated on the north side of West Avenue at the northwest corner formed by the intersection of Noroton Avenue and West Avenue and is shown on Tax Assessor's Map #21 as Lot #13, being 242 West Avenue and located in an R-1/5 (residential) Zone.

GENERAL MEETING

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their legal responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above.
2. General discussion of Application Materials.
3. Any other business (requires 2/3 vote of members present and voting).